

ANALYSIS

This ordinance amends Title 6 – Salaries of the Los Angeles County Code by:

- Adding Section 6.86.020.C., Mental Health Financial Incentive Programs, to describe the Mental Health Services Act (MHSA) authorization to use Workforce Education and Training (WET) funds to provide financial incentives to recruit and/or retain employees within the public mental health system;
- Adding Section 6.86.020.D., Mental Health Psychiatrist Recruitment Incentive, to establish recruitment pay for certain newly-hired or newly-appointed Mental Health Psychiatrists and Supervising Mental Health Psychiatrists; and
- Adding Section 6.86.020.E., Mental Health Psychiatrist Student Loan Repayment Incentive, to provide reimbursement of certain student loan payments for Mental Health Psychiatrists and Supervising Mental Health Psychiatrists.

MARY C. WICKHAM
County Counsel

By: 

RICHARD D. BLOOM
Principal Deputy County Counsel
Labor & Employment Division

RDB:av

Requested: 01/08/18
Revised: 01/31/18

ORDINANCE NO. 2018-0010

An ordinance amending Title 6 - Salaries of the Los Angeles County Code relating to additional compensation for certain Mental Health Psychiatrists and Supervising Mental Health Psychiatrists.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 6.86.020 is hereby amended to read as follows:

6.86.020 Additional information.

A. Standby Compensation for Persons Assigned to Mental Health Mobile Response Teams.

1. In lieu of the compensation provided for in subsection B of Section 6.08.240 and Section 6.10.120 of this code, any person designated in subsection A.2 of this section who is assigned to a mobile response team shall receive a \$1.00-per-hour bonus, but not to exceed a maximum of \$300.00 per month, for each hour such person is assigned to regularly scheduled standby periods which occur at off-duty times.

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C. Mental Health Financial Incentive Programs.

1. Authority and Purpose.

The Mental Health Services Act (MHSA), codified at Welfare and Institutions Code section 5830, et seq. and Chapter 14, Division 1, Title 9 of the California Code of Regulations, authorizes the Department of Mental Health to use Workforce Education and Training (WET) funds to provide financial incentives to recruit

and/or retain employees within the public mental health system. Section 6.86.020.D. and Section 6.86.020.E. establish such financial incentive programs – Recruitment Incentive and Student Loan Repayment Incentive – as well as the conditions under which they will be administered. These programs will continue so long as the MHSA-WET funds are available and the Department of Mental Health determines they remain appropriate programs consistent with the MHSA procedures and requirements.

D. Mental Health Psychiatrist Recruitment Incentive.

1. Definitions.

a. Eligible Psychiatrist shall mean an individual hired on or after January 1, 2018, as a Mental Health Psychiatrist (Item No. 4735) or a Supervising Mental Health Psychiatrist (Item No. 4737) on a full-time monthly permanent basis as defined in Section 6.28.020.B. If an overall rating of "Needs Improvement" or "Unsatisfactory" is filed with the Director of Personnel, the psychiatrist's status as an Eligible Psychiatrist shall be terminated. A Mental Health Psychiatrist or a Supervising Mental Health Psychiatrist who has received reimbursement under Section 6.86.020.E. is not an Eligible Psychiatrist for the purposes of this Section 6.86.020.D.

b. Qualifying Service shall mean time spent in active on-the-job performance as an Eligible Psychiatrist and includes approved leave of up to four weeks in any one-year period. Service in any other County job classification, in an acting capacity, in a County assignment other than in the Department of Mental Health, or employment as a Mental Health Psychiatrist or a Supervising Mental Health Psychiatrist on other than a full-time basis, shall not qualify as Qualifying Service. Qualifying

Service shall be tolled during an approved leave of absence exceeding four weeks in any one-year period, unless such tolling is prohibited by applicable law.

2. Requirements to Qualify for a Mental Health Psychiatrist

Recruitment Incentive.

An Eligible Psychiatrist may receive a recruitment incentive bonus under the following conditions and subject to the following limitations:

a. One-Year Incentive. Beginning January 1, 2019, in addition to the compensation established for these classifications, an Eligible Psychiatrist who (i) completes 12 months of continuous Qualifying Service commencing on the psychiatrist's date of hire or appointment and assignment to the Department of Mental Health, and (ii) has a departmental performance evaluation that is an overall rating of "Competent" or better during the relevant time period shall receive a one-time lump sum payment of \$25,000. If the Eligible Psychiatrist ceases to be an Eligible Psychiatrist for any reason before completion of 12 months of continuous Qualifying Service, no part of this incentive bonus shall be paid. The tolling of Qualifying Service due to an approved leave of absence in accordance with Subsection 6.86.020.D.1.b. will not result in a break in the continuity of Qualifying Service. The period of tolling shall not be counted in calculating each one-year period under this provision. Only one incentive bonus under this Subsection a. is payable to each Eligible Psychiatrist during his or her County employment.

b. Second-Year Incentive. Beginning January 1, 2020, in addition to the compensation established for this classification and the incentive bonus

provided for in Subsection 6.86.020.D.2.a., an Eligible Psychiatrist who (i) completes two years of continuous Qualifying Service commencing on the psychiatrist's date of hire or appointment and assignment to the Department of Mental Health, and (ii) has a departmental performance evaluation that is an overall rating of "Competent" or better, shall receive a one-time lump sum payment of \$25,000. If the Eligible Psychiatrist ceases to be an Eligible Psychiatrist for any reason before completion of two years of continuous Qualifying Service, no part of this incentive bonus shall be paid. The tolling of Qualifying Service due to an approved leave of absence in accordance with Subsection 6.86.020.D.1.b. will not result in a break in the continuity of Qualifying Service. The period of tolling shall not be counted in calculating the two-year period under this provision. Only one incentive bonus under this Subsection b. is payable to each Eligible Psychiatrist during his or her County employment.

c. The incentive payments authorized under this Section 6.86.020.D. shall be paid to Eligible Psychiatrists within 30 days of the issuance of a departmental performance evaluation that is an overall rating of "Competent" or better for the Qualifying Service period, but in no event later than March 15 of the calendar year following each calendar year in which the required Qualifying Service is completed. The departmental performance evaluation shall be issued within 60 days of the completion of the Qualifying Service period, but in no event later than February 15 of the calendar year following the calendar year in which the required Qualifying Service is completed.

d. Notwithstanding the foregoing, incentive payments authorized under this Section 6.86.020.D. shall be made subject to any additional conditions approved by the Department of Mental Health.

e. Payments made pursuant to this Section 6.86.020.D. shall not constitute a base rate.

f. In no event shall a psychiatrist receive both a recruitment incentive pursuant to this Section 6.86.020.D. and the student loan repayment incentive pursuant to Section 6.86.020.E. during his or her County employment.

E. Mental Health Psychiatrist Student Loan Repayment Incentive.

1. Definitions.

a. Eligible Psychiatrist shall mean a Mental Health Psychiatrist (Item No. 4735) or a Supervising Mental Health Psychiatrist (Item No. 4737) employed on a full-time monthly permanent basis as defined in Section 6.28.020.B. If an overall rating of "Needs Improvement" or "Unsatisfactory" is filed with the Director of Personnel, status as an Eligible Psychiatrist shall be terminated and not restored until an overall rating of "Competent" or better is received on the next departmental performance evaluation. Eligible status may be restored, as described in this Subsection a., only once during the psychiatrist's County employment. A psychiatrist who has received an incentive bonus under Section 6.86.020.D. is not an Eligible Psychiatrist for the purposes of this Section 6.86.020.E.

b. Grandfathered Eligible Psychiatrist shall mean an Eligible Psychiatrist who has completed at least one continuous year of Qualifying Service as of February 15, 2018. The tolling of Qualifying Service due to an approved leave of absence, in accordance with subsection 6.86.020.E.1.c., will not result in a break in the continuity of Qualifying Service for the purpose of determining whether an Eligible Psychiatrist is a Grandfathered Eligible Psychiatrist. The period of tolling, however, shall not be counted in calculating the one continuous year of Qualifying Service for purposes of determining whether an Eligible Psychiatrist is a Grandfathered Eligible Psychiatrist.

c. Qualifying Service shall mean time spent in active on-the-job performance as an Eligible Psychiatrist and includes approved leave of up to four weeks in any one-year period. Service in any other County job classification, in an acting capacity, in a County assignment other than the Department of Mental Health, or employment as a Mental Health Psychiatrist or Supervising Mental Health Psychiatrist on other than a full-time basis, shall not qualify as Qualifying Service. Employment with any employer other than the County shall not count as Qualifying Service. Service performed during any period when an overall rating of "Needs Improvement" or "Unsatisfactory" is filed with the Director of Personnel shall not be Qualifying Service. Qualifying Service shall be tolled during an approved leave of absence exceeding four weeks in any one-year period, unless such tolling is prohibited by applicable law.

d. Qualifying Student Loan shall mean a loan (or the portion of a loan, if consolidated) taken and used to cover the cost of an Eligible Psychiatrist's graduate or medical school education. The determination of whether or to what extent a loan is a Qualifying Student Loan shall be made based on guidelines established by the Department of Mental Health.

2. Requirements to Qualify for a Mental Health Psychiatrist Student Loan Repayment Incentive.

An Eligible Psychiatrist may receive a student loan repayment incentive under the following conditions and subject to the following limitations:

a. Annual Incentive. In addition to the compensation established for these classifications, an Eligible Psychiatrist who (i) completes one or has completed one year of continuous year of Qualifying Service as of February 15, 2018, (ii) has existing unpaid Qualifying Student Loans, and (iii) has a departmental performance evaluation that is an overall rating of "Competent" or better for his or her most recent performance evaluation or for that period, shall be eligible for payment of up to \$50,000 (but no more than the amount of the Eligible Psychiatrist's outstanding Qualifying Student Loans) to be applied toward the repayment of a Qualifying Student Loan; provided, however, that such payment is subject to approval by the Director of the Mental Health upon timely submission of adequate substantiation documentation based on the guidelines established by the Department of Mental Health to substantiate the Qualifying Student Loan. Such substantiation documentation shall include verification that any student loan repayment

incentive paid in a prior year was applied toward the payment of a Qualifying Student Loan. Documentation to substantiate that the Eligible Psychiatrist qualifies for an annual student loan repayment incentive must be submitted to the Director of Mental Health within 30 days after completion of the requisite continuous year of Qualifying Service. Notwithstanding the foregoing, all required substantiation documentation must be submitted no later than February 15 of the calendar year following the calendar year in which the required Qualifying Service is completed. If all required substantiation documentation is not submitted by February 15 of the calendar year following the calendar year in which the required Qualifying Service is completed, no student loan repayment incentive will be paid for that period of Qualifying Service. Payment will be made within 60 days of receipt of proper substantiation, but in no event later than March 15 of the calendar year following the calendar year in which the required Qualifying Service is completed. For the purposes of the substantiation and payment deadlines set forth in this Section 6.86.020.E.2.a., a Grandfathered Eligible Psychiatrist shall be treated as completing his or her initial one continuous year of Qualifying Service as of February 15, 2018, if the Eligible Psychiatrist ceases to be an Eligible Psychiatrist for any reason before completion of one year of continuous Qualifying Service, no part of this Qualifying Student Loan repayment shall be paid. The tolling of Qualifying Service due to an approved leave of absence, in accordance with subsection 6.86.020.E.1.c., will not result in a break in the continuity of Qualifying Service. The period of tolling shall not be counted in calculating the one continuous year of Qualifying Service under this provision.

b. An Eligible Psychiatrist may qualify for an annual student loan repayment incentive provided for in Section 6.86.020.E.2.a. up to five times during his or her County employment so long as he or she meets the requirements set forth in subsection a. of this Section 6.86.020.E.2. anew each time, such that each annual incentive will require a new continuous year of Qualifying Service. A Grandfathered Eligible Psychiatrist who has completed at least one continuous year of Qualifying Service as of the enactment of this ordinance shall receive credit for such Qualifying Service only as of the date of enactment of this ordinance for the sole purpose of qualifying for an initial annual student loan repayment incentive, subject to the substantiation requirements described in Section 6.86.020.E.2.a. above. Any additional annual incentive will require completion of new one-year continuous periods of Qualifying Service on and after the date of enactment of this ordinance. For each Eligible Psychiatrist, total annual incentives provided for under this Section 6.86.020.E. shall not exceed the lesser of \$250,000 or the total substantiated Qualifying Student loan amount.

c. Notwithstanding the foregoing, reimbursement under this Section 6.86.020.E. shall be made subject to any additional conditions approved by the Department of Mental Health.

d. Payments made pursuant to this Section 6.86.020.E. shall not constitute a base rate.

e. In no event shall a psychiatrist receive both a Qualifying Student Loan repayment to this Section 6.86.020.E. and a recruitment incentive pursuant to Section 6.86.020.D. during his or her County employment.

SECTION 2. Pursuant to Government Code Section 25123(f), this ordinance shall take effect immediately upon final passage.

[686020PBCEO]

SECTION 3 This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Sheila Kuehl
Chair

ATTEST:

Celia Zavala
Celia Zavala
Acting Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of February 20, 2018 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

<u>Ayes</u>		<u>Noes</u>	
Supervisors	<u>Hilda Solis</u>	Supervisors	<u>None</u>
	<u>Mark Ridley-Thomas</u>		
	<u>Sheila Kuehl</u>		
	<u>Janice Hahn</u>		
	<u>Kathryn Barger</u>		

Effective Date: February 20, 2018
Operative Date: _____

Celia Zavala
Celia Zavala
Acting Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

CELIA ZAVALA
Acting Executive Officer
Clerk of the Board of Supervisors

By [Signature]
Deputy



APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

By [Signature]
Lester J. Tolnai
Chief Deputy County Counsel